

By:

Robbie Ellis

S.B. No. 739

A BILL TO BE ENTITLED

AN ACT

relating to aggregate or statistical information about the screening program for hearing loss in newborns.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 47.008, Health and Safety Code, is amended by adding Subsection (d) to read as follows:

(d) Statistical or aggregated information that is about activities conducted under this chapter and that could not be used to individually identify a newborn, infant, or patient or a parent or guardian of a newborn, infant, or patient is not confidential.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.

1-1 By: Ellis S.B. No. 739  
1-2 (In the Senate - Filed February 27, 2003; March 3, 2003,  
1-3 read first time and referred to Committee on Health and Human  
1-4 Services; April 29, 2003, reported favorably by the following  
1-5 vote: Yeas 8, Nays 0; April 29, 2003, sent to printer.)

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1-7 AN ACT

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1-9 screening program for hearing loss in newborns.

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1-18 a vote of two-thirds of all the members elected to each house, as  
1-19 provided by Section 39, Article III, Texas Constitution. If this  
1-20 Act does not receive the vote necessary for immediate effect, this  
1-21 Act takes effect September 1, 2003.

1-22 \* \* \* \* \*

FAVORABLE  
SENATE COMMITTEE REPORT ON

(SB) SCR SJR SR HB HCR HJR 739  
By Ellis  
(Author/Senate Sponsor)  
April 29, 2003  
(date)

Sir:

We, your Committee on HEALTH AND HUMAN SERVICES, to which was referred the attached measure, have on April 24, 2003, had the same under consideration and I am instructed to report it back with the recommendation (s) that it:

(☒) do pass and be printed

( ) do pass and be ordered not printed

(☒) and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. (☒) yes ( ) no

A revised fiscal note was requested. ( ) yes (☒) no

An actuarial analysis was requested. ( ) yes (☒) no

Considered by subcommittee. ( ) yes (☒) no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Nelson, Chair	<input checked="" type="checkbox"/>			
Senator Janek, Vice-Chair			<input checked="" type="checkbox"/>	
Senator Carona	<input checked="" type="checkbox"/>			
Senator Deuell	<input checked="" type="checkbox"/>			
Senator Gallegos	<input checked="" type="checkbox"/>			
Senator Lindsay	<input checked="" type="checkbox"/>			
Senator Ratliff	<input checked="" type="checkbox"/>			
Senator West	<input checked="" type="checkbox"/>			
Senator Zaffirini	<input checked="" type="checkbox"/>			
TOTAL VOTES	8	0	1	0

COMMITTEE ACTION

(S260) Considered in public hearing  
(S270) Testimony taken

COMMITTEE CLERK

CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill  
Retain one copy of this form for Committee files

WITNESS LIST

SB 739

SENATE COMMITTEE REPORT

Health & Human Services

April 24, 2003 - 9:00AM

ON: Bruch, Margaret Manager (Texas Department of Health), Austin, TX

Registering, but not testifying:

FOR: Hooser, Greg Attorney (Texas Dietetic Association), Georgetown, TX

## **BILL ANALYSIS**

Senate Research Center  
78R851 JRD-D

S.B. 739  
By: Ellis, Rodney  
Health & Human Services  
3/24/2003  
As Filed

### **DIGEST AND PURPOSE**

In 1999, the 76th Texas Legislature established a newborn hearing screening program in the State of Texas. The legislation requires that a screening test for hearing loss be administered to newborn children, and establishes a newborn hearing, tracking, and screening program. Data in the tracking system required by law is confidential. As proposed, S.B. 739 clarifies that aggregate data about performance measures and outcomes of the program is not confidential and may be disclosed.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 47.008, Health and Safety Code, by adding Subsection (d), to provide that statistical or aggregated information that is about activities conducted under this chapter and that could not be used to individually identify a newborn, infant, or patient or a parent or guardian of a newborn, infant, or patient is not confidential.

SECTION 2. Effective date: upon passage or September 1, 2003.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION**

**April 23, 2003**

**TO:** Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: SB739** by Ellis, Rodney (Relating to aggregate or statistical information about the screening program for hearing loss in newborns.), **As Introduced**

<b>No fiscal implication to the State is anticipated.</b>
---

The bill would amend Chapter 47 of the Health and Safety Code relating to the state newborn hearing screening, tracking, and intervention program. The bill would clarify that aggregate or statistical data that is about the activities of the newborn hearing program and that is not used to identify a newborn, infant or parent/guardian is not considered confidential.

This bill would take effect upon passage or September 1, 2003.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

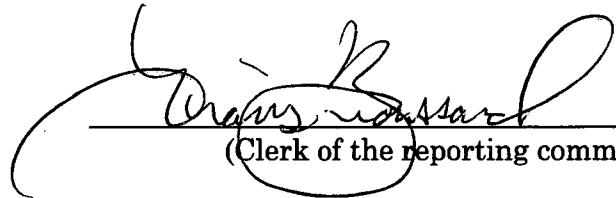
**Source Agencies:** 501 Department of Health

**LBB Staff:** JK, EB, KF, MH

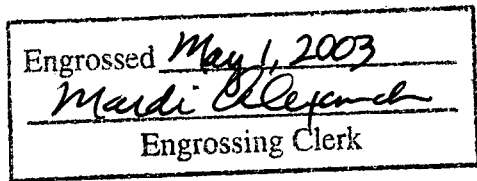
# REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

SENATOR CHRIS HARRIS, CHAIRMAN  
SENATE COMMITTEE ON ADMINISTRATION

Notice is hereby given that SB 739, by Ellis,  
(Bill No.) (Author/Sponsor)  
was heard by the Committee on Health & Human Services on April 24, 2003,  
and reported out with the recommendation that it be placed on the Local and Uncontested Calendar.

  
(Clerk of the reporting committee)

**IMPORTANT: A COPY OF THIS FORM MUST BE ATTACHED TO A COMMITTEE PRINTED VERSION OF THE BILL OR RESOLUTION AND SHOULD BE DELIVERED TO THE ADMINISTRATION COMMITTEE OFFICE, E1.714. DEADLINES FOR SUBMITTING BILLS AND RESOLUTIONS WILL BE ANNOUNCED ON A REGULAR BASIS.**



I certify this to be a true and correct  
copy of the bill as  
referred or transmitted to committee.

Chief Clerk of the House

By: Ellis  
(Capelo, Naishtat)

S.B. No. 739

A BILL TO BE ENTITLED

AN ACT

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screening program for hearing loss in newborns.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 47.008, Health and Safety Code, is  
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activities conducted under this chapter and that could not be used  
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or guardian of a newborn, infant, or patient is not confidential.

SECTION 2. This Act takes effect immediately if it receives  
a vote of two-thirds of all the members elected to each house, as  
provided by Section 39, Article III, Texas Constitution. If this  
Act does not receive the vote necessary for immediate effect, this  
Act takes effect September 1, 2003.



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION**

**April 23, 2003**

**TO:** Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE:** SB739 by Ellis, Rodney (Relating to aggregate or statistical information about the screening program for hearing loss in newborns.), **As Introduced**

<b>No fiscal implication to the State is anticipated.</b>
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The bill would amend Chapter 47 of the Health and Safety Code relating to the state newborn hearing screening, tracking, and intervention program. The bill would clarify that aggregate or statistical data that is about the activities of the newborn hearing program and that is not used to identify a newborn, infant or parent/guardian is not considered confidential.

This bill would take effect upon passage or September 1, 2003.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 501 Department of Health

**LBB Staff:** JK, EB, KF, MH

# HOUSE COMMITTEE REPORT

1<sup>st</sup> Printing

SEP 22 PM 8:35  
HOUSE OF REPRESENTATIVES

By: Ellis  
(Capelo, Naishtat)

S.B. No. 739

A BILL TO BE ENTITLED

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Act does not receive the vote necessary for immediate effect, this  
Act takes effect September 1, 2003.

COMMITTEE REPORT

The Honorable Tom Craddick  
Speaker of the House of Representatives

5-21-2003  
(date)

Sir:

We, your COMMITTEE ON PUBLIC HEALTH  
to whom was referred SB 739 have had the same under consideration and beg to report  
back with the recommendation that it

- ☒ do pass, without amendment.
- ☐ do pass, with amendment(s).
- ☐ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.
- ☒ yes ☐ no A fiscal note was requested.
- ☐ yes ☒ no A criminal justice policy impact statement was requested.
- ☐ yes ☒ no An equalized educational funding impact statement was requested.
- ☐ yes ☒ no An actuarial analysis was requested.
- ☐ yes ☒ no A water development policy impact statement was requested.
- ☐ yes ☒ no A tax equity note was requested.

☒ The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor Capelo

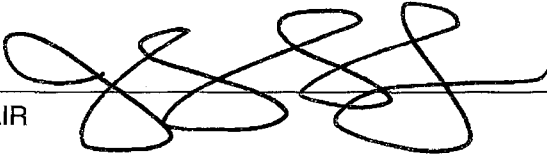
Joint Sponsors: Naughtat , ,

Co-Sponsors: \_\_\_\_\_

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Capelo, Chair	<input checked="" type="checkbox"/>			
Laubenberg, Vice-chair	<input checked="" type="checkbox"/>			
Coleman	<input checked="" type="checkbox"/>			
Dawson	<input checked="" type="checkbox"/>			
McReynolds	<input checked="" type="checkbox"/>			
Naishtat	<input checked="" type="checkbox"/>			
Taylor	<input checked="" type="checkbox"/>			
Truitt				<input checked="" type="checkbox"/>
Zedler	<input checked="" type="checkbox"/>			

Total  
8 aye  
0 nay  
0 present, not voting  
1 absent

CHAIR 

## **BILL ANALYSIS**

S.B. 739  
By: Ellis, Rodney  
Public Health  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

In 1999, the 76th Texas Legislature established a newborn hearing screening program in the State of Texas. The legislation requires that a screening test for hearing loss be administered to newborn children, and establishes a newborn hearing, tracking, and screening program. Data in the tracking system is confidential as required by law. S.B. 739 clarifies that aggregate data about performance measures and outcomes of the program is not confidential and may be disclosed.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

S.B. 739 provides that statistical or aggregated information concerning activities conducted under this chapter and that could not be used to individually identify a newborn, infant, or patient or a parent or guardian of a newborn, infant, or patient is not confidential.

### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.

SUMMARY OF COMMITTEE ACTION

SB 739

May 21, 2003      8:00AM

- Considered in public hearing
- Testimony taken in committee (Legislator(s) only.)
- Recommended to be sent to Local & Consent
- Reported favorably without amendment(s)

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION**

**April 23, 2003**

**TO:** Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: SB739** by Ellis, Rodney (Relating to aggregate or statistical information about the screening program for hearing loss in newborns.), **As Introduced**

<b>No fiscal implication to the State is anticipated.</b>
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The bill would amend Chapter 47 of the Health and Safety Code relating to the state newborn hearing screening, tracking, and intervention program. The bill would clarify that aggregate or statistical data that is about the activities of the newborn hearing program and that is not used to identify a newborn, infant or parent/guardian is not considered confidential.

This bill would take effect upon passage or September 1, 2003.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 501 Department of Health

**LBB Staff:** JK, EB, KF, MH

Enrolled May 28, 2003

Mardi Alexander

Enrolling Clerk

S.B. No. 739

AN ACT

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S.B. No. 739

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 739 passed the Senate on May 1, 2003, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 739 passed the House on May 28, 2003, by the following vote: Yeas 144, Nays 0, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor



**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION**

**May 5, 2003**

**TO:** Honorable Jaime Capelo, Chair, House Committee on Public Health

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: SB739** by Ellis, Rodney (Relating to aggregate or statistical information about the screening program for hearing loss in newborns.), **As Engrossed**

<b>No fiscal implication to the State is anticipated.</b>
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The bill would take effect upon passage or September 1, 2003.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 501 Department of Health

**LBB Staff:**

JK, EB, KF, MH

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION**

**April 23, 2003**

**TO:** Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: SB739** by Ellis, Rodney (Relating to aggregate or statistical information about the screening program for hearing loss in newborns.), **As Introduced**

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This bill would take effect upon passage or September 1, 2003.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 501 Department of Health

**LBB Staff:** JK, EB, KF, MH

\_\_\_\_\_  
President of the Senate\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 239 passed the Senate on  
May 1, 2003, by ~~a viva voce vote~~ by the following  
vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 239 passed the House on  
May 28, 2003, by ~~a non-record vote~~ by the following  
vote: Yeas 144, Nays 0, <sup>two</sup> ~~one~~ present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date\_\_\_\_\_  
Governor

S.B. No. 739

By Robney Ellis

A BILL TO BE ENTITLED

AN ACT:

relating to aggregate or statistical information about the screening program for hearing loss in newborns.

FEB 27 2003

Filed with the Secretary of the Senate

MAR 3 2003

Read and referred to Committee on HEALTH & HUMAN SERVICES

APR 29 2003

Reported favorably \_\_\_\_\_

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed

Laid before the Senate

MAY 01 2003

Senate and Constitutional Rules to permit consideration suspended by:

unanimous consent

\_\_\_\_ years, \_\_\_\_ nays

MAY 01 2003

Read second time, \_\_\_\_\_, and ordered engrossed by:

unanimous consent

a viva voce vote

\_\_\_\_ years, \_\_\_\_ nays

MAY 01 2003

Senate and Constitutional 3 Day Rule suspended by a vote of 31 yeas, 0 nays.

MAY 01 2003

Read third time, \_\_\_\_\_, and passed by:

A viva voce vote

31 yeas, 0 nays

Latoye Spaw  
SECRETARY OF THE SENATE

OTHER ACTION:

May 1, 2003

Engrossed

May 2, 2003

Sent to House

Engrossing Clerk

Mardi Alphonse

MAY 02 2003

Received from the Senate

MAY 02 2003

Read first time and referred to Committee on Public Health

MAY 21 2003

Reported \_\_\_\_ favorably (~~as amended~~) (~~as substituted~~)

MAY 23 2003

Sent to Committee on (~~Calendar~~) (Local & Consent Calendars)

MAY 28 2003

Read second time (~~comm. subst.~~) (~~amended~~); passed to third reading (~~failed~~) by a (non-record vote) (record vote of \_\_\_\_ yeas, \_\_\_\_ nays, \_\_\_\_ present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend) by a vote of \_\_\_\_ yeas, \_\_\_\_ nays, \_\_\_\_ present, not voting.

MAY 28 2003

Read third time (~~amended~~); finally passed (~~failed to pass~~) by a (non-record vote) (record vote of 144 yeas, 0 nays, 2 present, not voting)

MAY 28 2003

Returned to Senate.

Robert Hany  
CHIEF CLERK OF THE HOUSE

MAY 28 2003

Returned from House without amendment.

Returned from House with \_\_\_\_ amendments.

Concurred in House amendments by a viva voce vote \_\_\_\_ yeas, \_\_\_\_ nays.

\_\_\_\_\_ Senate conferees instructed.

\_\_\_\_\_ Senate conferees appointed: \_\_\_\_\_, Chairman; \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_

\_\_\_\_\_ House granted Senate request. House conferees appointed: \_\_\_\_\_, Chairman;  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_ Conference Committee Report read and filed with the Secretary of the Senate.

\_\_\_\_\_ Conference Committee Report adopted on the part of the House by: \_\_\_\_\_

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

**{** a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

\_\_\_\_\_ Recommended to Conference Committee

\_\_\_\_\_ Conferees discharged.

\_\_\_\_\_ Conference Committee Report failed of adoption by: \_\_\_\_\_

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays